

Remarks

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1-18 have been previously canceled without prejudice or disclaimer. Claim 19 has been amended, and new claim 20 has been added. Claims 19-20 are pending.

New claim 20 is supported by the original disclosure, for example page 16, lines 15-21.

35 USC rejections

In the office action, claim 19 is rejected under 35 USC 112, first and second paragraphs, for lack of enablement and for being indefinite. Applicant respectfully traverses.

The advantages discussed at page 17, lines 3-9 have been deleted. These described advantages were for an undescribed feature of the vehicle and were inadvertently included in the application. The advantages do not apply to the gear assembly in the trailer portion of the claimed invention. Applicant apologizes for any confusion caused.

The question of enablement is to be considered with respect to the invention that is claimed. MPEP 2164. The claimed invention is directed toward a trailer portion for a toy vehicle. As noted by the Examiner, all features recited in the claim are described. As disclosed, the trailer portion can drive the toy vehicle. Further, the specification describes how the trailer portion is able to engage with the toy vehicle to drive the toy vehicle. Any number of drive trains between the drive element 407 and the wheels 426 in Figure 18 could be used to drive the wheels 426 when the drive element 407 is driven by the trailer portion, which is one function of the trailer portion. One having ordinary skill in the art would know how to interconnect the drive element 407 and the wheels. However, the specific drive train between the drive element 407 and the wheels 426 is not part of the claimed invention. The claimed invention, which is directed toward the trailer portion, is enabled by the specification.

Further, the scope of the invention is definite. The operation of the claimed trailer portion is clear. In addition, the semicolon has been removed.

Withdrawal of the rejections under 35 USC 112, first and second paragraphs, is requested.

35 USC 102 rejection

In addition, claim 19 is rejected under 35 USC 102(b) as being anticipated by Kennedy et al. (US Patent 4,698,044). Applicant respectfully traverses this rejection.

Claim 19 recites features not taught or suggested by Kennedy et al. In particular, Kennedy et al., does not teach a trailer portion with the elements claimed. In Kennedy et al., the motor 27, gears 30, 31 and shaft 32 are part of a tractor section 10 of a toy vehicle (column 2, lines 55-56). Claim 19, on the other hand, is directed toward a trailer portion of a toy vehicle. A tractor is a device that pulls a trailer, while a trailer is pulled by a tractor. In Kennedy et al., the tractor 10 pulls trailer sections 11, 12, 13.

As disclosed by Applicant, the trailer portion 500 is designed to be attached to a tractor portion, such as the toy vehicle 10' in Figure 18, to be pulled by the vehicle 10'. However, the vehicle 10' is powered by a power source provided on the trailer portion. With this construction, the drive motor can be located on the trailer rather than on the vehicle which can be an advantage when there is little space on the vehicle for the drive motor and/or the power source, or when one wants to reduce the size of the vehicle by removing the motor and/or power source. Kennedy et al. does not teach a trailer portion, let alone a trailer portion with a power source, motor, and gear assembly as claimed.

Nor does Kennedy suggest to utilize the tractor 10 as a trailer, or how such an arrangement would be configured.

Therefore, Kennedy et al. does not anticipate or render obvious claim 19. Withdrawal of the rejection is requested.

With respect to new claim 20, Kennedy et al. does not teach or suggest a boss that is rotatable about a vertical axis that is configured for driving engagement with the toy vehicle. In Kennedy et al., the shaft 32 is arranged horizontally.

In Conclusion

With these amendments Applicant believes that the claims now pending in this patent application are in immediate condition for allowance. Favorable consideration is respectfully requested. If any further questions arise, the Examiner is invited to contact Applicant's representative at the number listed below.



Respectfully submitted,

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Date

  
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